

Notice of Allowability

Application No.

10/050,747

Examiner

Binh-An D. Nguyen

Applicant(s)

OBERBERGER, MIKE

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed July 5, 2007.
2. ☒ The allowed claim(s) is/are 51-89.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

REASONS FOR ALLOWANCE

The Amendment and Applicant's remarks filed July 5, 2007 has overcome the rejection set forth in the Office action sent April 5, 2005.

Note that, Applicant's remarks regarding the outstanding application and the cited reference of Nguyen (US 2002/0071557) subject to an obligation of assignment to the same person (applicant's remark, page 9, lines 11-19) has been found persuasive, therefore rejection referenced to Nguyen (US 2002/0071557) has been withdrawn.

The following is an examiner's statement of reasons for allowance:

While the cited reference of Ginsburg et al. (6,595,856) teaches system and method for securing the game software and related data files used by a gaming device and for authenticating such files during game startup and play; and the cited reference of Jackson et al. (2002/0049909) teaches an architect and method for a gaming platform that features secure storage and verification of game code and other data; Ginsburg et al. and/or Jackson et al., alone or in combination, does not anticipate or make obvious the applicant's claimed limitations of a gaming system (or method having steps thereto) comprising a configuration of the gaming system defined by the plurality of gaming unit configurations; a memory device storing a license parameter paired with a corresponding license parameter value of a license for determining access to the gaming system configuration, the license applicable to the plurality of gaming units; a monitoring apparatus separate from the gaming units and including the memory device, the monitoring apparatus coupled to the data network to monitor the plurality of gaming

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units, the monitoring apparatus including a processor programmed to: i) compare a real-time parameter value with the license parameter value, the real-time parameter value determined from a current configuration of the plurality of gaming unit configurations, ii) determine that the gaming system configuration is not in compliance with the license when the real-time parameter exceeds the license parameter value, and iii) when the gaming system configuration is not in compliance with the license, prevent reconfiguration of the gaming system configuration without interrupting game play on the gaming units (as per claims 51, 64, and 77), in combination with other presented limitations.

Claims 51-89, therefore, are allowable.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BN



Robert E Pezzuto
Supervisory Patent Examiner
Art Unit 3714